

## MEDICINE BOARD[653]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 147.10, 148.2, and 272C.2, the Board of Medicine hereby proposes to amend Chapter 8, “Fees,” Chapter 9, “Permanent Physician Licensure,” and Chapter 10, “Resident, Special and Temporary Physician Licensure,” Iowa Administrative Code.

Chapter 8 defines application and licensure fees for physicians; Chapter 9 defines requirements for permanent physician licensure; and Chapter 10 defines requirements for resident, special and temporary physician licensure. The proposed amendments to these chapters reduce the resident physician licensure fee from \$150 to \$100; reduce the criminal background check fee (all licenses) from \$55 to \$45; reduce the licensure verification fee from \$40 to \$30; eliminate the \$25 duplicate license fee; eliminate the \$50 electronic data fee; and increase the quarterly monitoring fee from \$100 to up to \$300. Other amendments eliminate redundant or outdated language. The proposed fee reductions reflect a decrease in the Board’s expenses associated with providing such services. The proposed increase in monitoring fees gives the Board ability to recover costs in cases that will require extraordinary work.

The Board approved this Notice of Intended Action during a regularly scheduled meeting on June 28, 2013.

Any interested person may present written comments on the proposed amendments not later than 4:30 p.m. on August 27, 2013. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by e-mail to [mark.bowden@iowa.gov](mailto:mark.bowden@iowa.gov).

There will be a public hearing on August 27, 2013, at 11 a.m. in the Board office, at which time persons may present their views either orally or in writing. The Board office is located at 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

After analysis and review of this rule making, it has been determined that the amendments could have a positive impact on jobs. The reduction in fees for resident licensure could encourage physicians to pursue postgraduate training in the state of Iowa and subsequent employment in Iowa. The elimination of fees for certain public records could assist in the recruitment of physicians wishing to practice in Iowa.

These amendments are intended to implement Iowa Code chapters 147, 148, and 272C.

The following amendments are proposed.

ITEM 1. Amend subrule 8.2(2) as follows:

**8.2(2) Fees for acupuncturists.** The following fees apply to licensure for acupuncturists.

*a.* to *d.* No change.

~~*e.* Fee for a duplicate wall certificate or renewal card, \$25. The fee shall be considered a repayment receipt as defined in Iowa Code section 8.2.~~

~~*f. e.* Fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks, \$55 \$45. The fee shall be considered a repayment receipt as defined in Iowa Code section 8.2.~~

ITEM 2. Amend subrule 8.4(1) as follows:

**8.4(1) Fees for permanent licensure.** For provisions for permanent licensure, see 653—Chapter 9, “Permanent Physician Licensure.” The following fees shall apply to permanent licensure.

*a.* Initial licensure, \$450 plus the \$45 fee for evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI).

b. to e. No change.

f. Reinstatement of a license to practice one year or more after becoming inactive, \$500 plus the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

g. No change.

ITEM 3. Amend paragraph **8.4(2)“a”** as follows:

a. Application for a resident physician license, ~~\$450~~ \$100 plus the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

ITEM 4. Amend paragraph **8.4(3)“a”** as follows:

a. Application for a special physician license, \$300 plus the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

ITEM 5. Amend paragraph **8.4(4)“a”** as follows:

a. Application for a temporary physician license, \$100 plus the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

ITEM 6. Rescind subrule **8.4(6)**.

ITEM 7. Renumber subrule **8.4(7)** as **8.4(6)**.

ITEM 8. Amend renumbered subrule 8.4(6) as follows:

**8.4(6)** Fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks, ~~\$55~~ \$45. ~~The fee shall be considered a repayment receipt as defined in Iowa Code section 8.2.~~

ITEM 9. Amend subrule 8.5(1) as follows:

**8.5(1)** *Verification fees.*

a. Physicians shall use VeriDoc to secure a certified statement that verifies Iowa licensure status for any state medical board that accepts VeriDoc. VeriDoc is accessible at <http://www.veridoc.org/>. The fee for this service is ~~\$40~~ \$30.

b. A physician who needs a certified statement that verifies Iowa licensure status for a state medical board that does not accept verification from VeriDoc shall make a written request for a certified statement with payment of a ~~\$40~~ \$30 verification fee to the Iowa Board of Medicine. The Iowa board shall provide a certified statement that verifies Iowa licensure status to the nonaccepting state medical board.

c. No change.

d. The board shall provide an automated telephone or electronic verification service whereby ~~callers~~ users can input the licensee's license number or social security number ~~and receive verbally to learn~~ the licensee's current licensure status. There is no fee for this service.

The board shall provide a license number for an individual caller to use in the automated telephone or electronic verification service. Businesses that utilize verifications will be required to utilize the automated telephone or electronic verification service or the alternative outlined in 8.5(1) “c.”

ITEM 10. Amend subrule 8.6(2) as follows:

**8.6(2)** *Purchase of public records.* Public records are available according to 653—Chapter 2, “Public Records and Fair Information Practices.” Payment made to the Iowa Board of Medicine shall be received in the board office prior to the release of the records.

a. ~~Copies~~ Printed copies of public records shall be calculated at \$.25 per page plus labor. ~~A The board may charge a \$16 per hour fee shall be charged for labor in excess of one-quarter hour for searching and copying documents or retrieving and copying information stored electronically. No additional fee shall be charged for delivery of the records by mail, or fax, or e-mail. Fax is an option if the requested records are fewer than 30 pages. The board office shall not require payment when the fees for the request would be less than \$5 total.~~

b. Electronic copies of public records delivered by e-mail shall be ~~calculated at \$.10 per page; the minimum charge shall be \$5~~ provided at no charge per page. ~~A The board may charge a \$16 per hour fee shall be charged for labor in excess of one-quarter hour for searching and copying documents~~

or retrieving and copying information stored electronically. ~~The board office shall not require payment when the fees for the requests would be less than \$5 total.~~

~~c.—Printed copies of press releases, statements of charges, final orders and consent agreements from each board meeting shall be available for an annual subscription fee of \$192 or a prorated portion thereof based on the calendar year.~~

ITEM 11. Amend rule 653—8.7(147,148,272C) as follows:

**653—8.7(147,148,272C) Purchase of a licensee Licensee data list.** A data list of all physicians and acupuncturists includes the following information about each licensee: full name, year of birth, mailing address, business telephone number, ~~E-mail address~~, Iowa county (if applicable), medical school (if applicable), year of graduation from medical school (if applicable), two medical specialties (if available), license issue date, license expiration date, license number, license type, license status, and an indicator of whether the board has taken any public action on the license. ~~The fee for an electronic file of the list is \$50. There is no fee for an electronic file of this list. A printed copy of the data list is available at the board's office at fees described in rule 653—8.6(147,148,272C).~~ Payment made to the Iowa Board of Medicine shall be received in the board office prior to the release of a printed copy of the list. ~~The fee shall be considered a repayment receipt as defined in Iowa Code section 8.2.~~

ITEM 12. Amend rule 653—8.9(147,148,272C) as follows:

**653—8.9(147,148,272C) Copies of the laws and rules.** ~~Copies~~ Electronic copies of laws and rules pertaining to the practice of medicine or acupuncture are available ~~from on the board for the following fees:~~ board's Web site, [www.medicalboard.iowa.gov](http://www.medicalboard.iowa.gov), at no cost. Printed copies of these laws and rules are available at the board's office at fees described in rule 653—8.6(147,148,272C).

~~1.—Iowa Code and Iowa Administrative Code access, no fee, available at [www.medicalboard.iowa.gov](http://www.medicalboard.iowa.gov).~~

~~2.—Printed copies of the Iowa Code chapters that pertain to the practice of medicine or acupuncture, \$10.~~

~~3.—Printed copies of board rules in the Iowa Administrative Code, \$10.~~

ITEM 13. Amend rule 653—8.12(8,147,148,272C) as follows:

**653—8.12(8,147,148,272C) Request for reports.** The board may request a report from the National Practitioner Data Bank ~~or the Healthcare Integrity and Protection Data Bank~~ regarding an applicant or licensee. The cost of obtaining the report is included within the fee for initial licensure or licensure reinstatement or renewal. ~~However, that portion of the fee spent to obtain that report shall be considered a repayment receipt as defined in Iowa Code section 8.2.~~

ITEM 14. Amend rule 653—8.13(8,147,148,272C) as follows:

**653—8.13(8,147,148,272C) Monitoring fee.** ~~A provision for payment of \$100~~ The board may require payment of up to \$300 per quarter to cover the board's expenses in monitoring to monitor a licensee's compliance with the a settlement agreement may be included in the settlement agreement, and payments shall be considered repayment receipts as defined in Iowa Code section 8.2 or final decision and order.

ITEM 15. Amend paragraph 9.4(2)“a” as follows:

a. Pay a nonrefundable initial application fee of \$450 plus the \$45 fee identified in 653—subrule 8.4(7) 8.4(6) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI); and

ITEM 16. Amend paragraph 9.5(2)“a” as follows:

a. Pay a nonrefundable initial application fee of \$450 plus the \$45 fee identified in 653—subrule 8.4(7) 8.4(6) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI); and

ITEM 17. Amend paragraph **9.6(2)“a”** as follows:

a. Pay a nonrefundable initial application fee of \$450 plus the \$45 fee identified in 653—subrule ~~8.4(7)~~ 8.4(6) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI); and

ITEM 18. Amend subrule 9.15(2) as follows:

**9.15(2)** *Reinstatement of an unrestricted Iowa license that has been inactive for one year or longer.* An individual whose license is in inactive status and who has not submitted a reinstatement application that was received by the board within one year of the license’s becoming inactive shall follow the application cycle specified in this rule and shall satisfy the following requirements for reinstatement:

a. Submit an application for reinstatement to the board upon forms provided by the board. The application shall require the following information:

(1) to (8) No change.

(9) A completed fingerprint packet to facilitate a national criminal history background check. The \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

b. Pay the reinstatement fee of \$500 plus the \$45 fee identified in 653—subrule ~~8.4(7)~~ 8.4(6) for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks. No fee is required for reinstatement for those whose licenses became inactive between December 8, 1999, and July 4, 2001; however, the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed.

c. to e. No change.

ITEM 19. Amend subparagraph **10.3(3)“a”(1)** as follows:

(1) Pay a nonrefundable application fee of ~~\$450~~ \$100 plus the \$45 fee identified in 653—subrule ~~8.4(7)~~ 8.4(6) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI); and

ITEM 20. Amend subrule 10.3(9) as follows:

**10.3(9)** *An Iowa resident physician who changes resident training programs in Iowa.* A resident physician who changes resident training programs shall acquire new resident physician licensure or permanent licensure prior to entering the new resident training program. Such changes include a transfer to a different program in the same institution, a move to a program in another institution, or becoming a fellow after completing a residency in the same core program. An individual who contracts with an institution to be in two programs from the time of application for the resident license shall not be required to apply for another resident license for the second program. ~~A resident physician licensee applying for a new resident license shall submit the following:~~

~~a. A nonrefundable resident licensure application fee of \$100;~~

~~b. Materials required in subparagraphs 10.3(3)“b”(1) to (4) and (7) to (10);~~

~~c. A statement from the director of the applicant’s most recent residency program documenting the applicant’s progress in the program and whether any warnings had been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action; and~~

ITEM 21. Amend subparagraph **10.4(3)“a”(1)** as follows:

(1) Pay a nonrefundable special license fee of \$300 plus the \$45 fee identified in 653—subrule ~~8.4(7)~~ 8.4(6) for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks;

ITEM 22. Amend paragraph **10.5(3)“a”** as follows:

a. Pay a nonrefundable application fee of \$100 plus the \$45 fee identified in 653—subrule ~~8.4(7)~~ 8.4(6) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI). A physician who is serving as a camp physician and who is not receiving payment other than expenses shall be exempt from the license application fee and the fee for the criminal history background check.